

Request to EPA Region 6 Office of Environmental Justice For Assistance Regarding the CES Environmental Services Site

This e-mail is a request for assistance to the environmental justice office of EPA Region 6 on behalf of the community surrounding and near to the CES Environmental Services site located at 4904 Griggs Road in Houston. This site was subject to a clean-up by the EPA Superfund Division with participation by the Texas Commission on Environmental Quality (TCEQ) and the City of Houston. After a +/- \$2 million clean-up, the site became a participant in the Voluntary Clean-up Program (VCP) of the TCEQ and the community has not received any information or updates regarding the situation at this site. By this e-mail, a public meeting to discuss and assist the public in understanding the issues arising from this site is respectfully requested.

Jim Blackburn, a volunteer environmental lawyer, is making this request on behalf of the Southeast Houston Transformation Alliance (SEHTA), a coalition of eleven civic clubs, and the Neighborhood Recovery Community Development Corporation (NRCDC), a non-profit housing and social services provider whose mission is to revitalize defined target areas in Houston, to encourage economic development and investment, to effectively provide and encourage the development of housing for persons of low and moderate income, and to work with other private and public entities.

These entities along with two adjacent schools, churches and individuals living near the site have not been informed of the status of this site since the EPA's emergency action was completed in 2014-2015. Since that time, the site has been referred to the VCP group at TCEQ, and the community has heard nothing more, even though published documents indicate contamination in soils in residential areas adjacent to the site, groundwater contamination that has not been fully investigated on site and major drainage areas that likely were subjected contaminated runoff and have not been sampled according to reported data. These groups and residences are requesting a public meeting with the goal of having the following questions answered.

1. What is the current status of this site?

The EPA completed a significant cleanup action to address the abandoned chemicals on the site in June 2015. Upon completion the site was entered into the TCEQ Voluntary Cleanup Program and the

Griggs Road PRP Group has been in the process of conducting investigations. The Group completed the Affected Property Assessment Report (APAR) in March 2016 and is in the process of addressing TCEQ comments.

2. Who is in charge?

The TCEQ is in charge of the oversight of the actions being taken by the PRP Group. EPA receives the PRP monthly reports in order to keep updated on the activities being conducted on the Site. These same reports are provided to the public on a website (www.cesgriggsrd.com).

3. What has been done for remediation since EPA left the site?

The monthly reports describe the actions being taken on a monthly basis and are being prepared by the PRP Group and posted on a publicly accessible website at (www.cesgriggsrd.com). The website is intended to be the location where the public would get information about the actions being taken on the site. It is also a conduit for public interaction with the PRP Group.

4. What is proposed to be done with this site in the future to further clean-up this site and remove contaminants both on-site and off-site?

The future actions will be dependent on the results of the investigation(s). It is important to realize that the PRP Group does not own the property(s). It is my understanding that CES Environmental Services still owns the property. It is also my understanding that the CES Estate remains in control of the property and all assets of CES Environmental Services as appointed by the bankruptcy court.

5. Why did EPA leave from the site? Did the money run out?

The EPA left the site as it had completed its actions to rid the site of the abandoned chemicals and there was a PRP Group in the wings to take over where EPA had left off. The TCEQ with EPA assistance was able to obtain PRP involvement in the continuation of the site as we recognized that additional work needed to be done. The TCEQ Voluntary Cleanup Program (VCP) appeared to be the quickest way to get uninterrupted activity and complete the assessment and cleanup. The TCEQ is in charge of overseeing and approving activities under the Voluntary Cleanup Program. EPA has been monitoring the progress but does not have a direct role in the activities being conducted under the VCP.

The EPA Removal Program has a statutory limit for cleanup actions at sites which is 12 months and \$ 2 million unless an exemption is obtained. The EPA expended 9 months and \$1,923,030. In addition, the TCEQ expended another \$423,848 for waste disposal. The EPA Removal Program did obtain an exemption to the 12 month and \$ 2 million limitations in May 2015 specifically to insure that time and money was available to complete the cleanup and disposal of the abandoned chemicals. The budget was increased from \$ 2,000,000 to \$2,700,000 but was never placed on the EPA contract.

- a. Did EPA consider this site remediated? No, the EPA believed that additional work needed to be done both from an assessment and cleanup and provided those recommendations to the TCEQ and the PRP Group for inclusion into the VCP activities.
 - b. Does EPA have concerns about this site from a toxicological standpoint? Yes, until the assessment is complete to determine the extent of potential contamination and the interiors of the tankage/containers have been pressure washed cleaned to RCRA closure standards, there still remains contaminants. It is important to understand that all bulk hazardous chemicals have been removed from the site along with continued assessment activities under the VCP.
 - c. Why did EPA not make a final report to the community regarding the safety of this site and surrounding areas?
The EPA held two (2) public meetings for the site. They were held in May and December 2014. The EPA also provided updates to those that were involved with assisting the community (ie. Texas Organizing Project, Air Alliance Houston, Texas Low Income Housing Information Service, and several residents that had been in close contact with EPA and were specifically interested in our activities). All of these entities were well aware of the EPA plans.
6. A map and chart attached to this document (see attachments a and b) from the VCP application shows that there are levels of heavy metals on residential property adjacent to this site.
- a. Has there been any further off-site testing beyond that identified in the attached document?

- b. Did EPA make any assessment of the potential health hazard associated with this off-site contamination? **No, EPA did not make an assessment of off-site impacts related to the spill that took place in July/August 2014 that exited towards the back of the facility towards Kingsbury and Wayland Streets. The samples were taken following the cleanup conducted by the City of Houston/TCEQ. It was determined that no further action needed to be taken at that time.**
 - c. If so, was this written up and released to the public?
 - d. If not, why not?
- 7. A map attached to this document (see attachment c) identifies groundwater contamination within the site and a delineated groundwater plume. However, there appears to be only two wells within the plume and no other testing wells near this plume. In the APAR Summary dated March 31, 2016, it is stated that the groundwater contamination does not extend off-site. Would someone explain how the conclusion that there is no off-site groundwater contamination is warranted when there are no “clean” wells to delineate the edge of the plume?
- 8. Within the TCEQ’s VCP program, the responsible party is preparing an Affected Property Assessment Report (APAR). According to the APAR Summary document submitted March 31, 2016 to the TCEQ, this APAR is currently being reviewed with the goal of approval by TCEQ.
 - a. What is the purpose of an APAR?
 - b. What is involved in the approval of an APAR?
 - c. Has the APAR been approved by the TCEQ?
 - d. Was the public involved, or can the public be involved, in the APAR approval process?
- 9. It is further identified in this March 31, 2016, document that further work is to be undertaken by the applicant after the approval of the APAR in the form of a Response Action Plan (RAP). It is further stated in that document that the RAP will propose remedial activities for the site.
 - a. What is the process of an RAP?
 - b. Has the RAP been agreed to at this time?
 - c. Will the public be involved in the design and approval of the RAP?
 - d. If so, how?

- e. If not, why not?
 - f. Is there any limit to the scope of remediation that may be required in the RAP?
10. From published reports, it appears that vandals turned over drums and other storage devices and spilled contaminants within the CES property. Subsequent rains caused the contaminants to run-off the property and into adjacent storm drains, watercourses and property. There does not appear to be any testing on Kuhlman Gully, an open watercourse that drains the site or other overland pathways.
- a. Is there any plan to undertake such testing in the future?
 - b. If so, when?
 - c. If not, why not?
11. Would EPA or TCEQ please provide some qualified toxicologist to discuss the results from the off-site testing that has been done to date?
12. Would EPA or TCEQ please provide some qualified toxicologist to discuss the results from on-site testing that has been done to date?
13. Would someone with EPA or TCEQ please provide some information about the health issues associated with developing residential properties adjacent to the CES Environmental Services site?
14. Would you please provide a list of all identified Potentially Responsible Parties (PRPs) at the site?
- a. Have all of these parties been contacted by either EPA and/or TCEQ?
 - b. Is Lubrizoil the only PRP that is funding the clean-up? *As far as I know, this is correct but I believe that Lubrizol may be pursuing other entities.*
 - c. Has a meeting been held by EPA and/or TCEQ with any of the other PRPs besides Lubrizoil? *A meeting was held by TCEQ in Austin in October 2014 with representatives of entities that had shipped waste to CES Environmental Services. After the TCEQ/EPA presentation, Lubrizol stepped forward to organize a PRP Group.*
 - d. Who is the best contact for Lubrizoil?
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- e. Is there anyone monitoring the website for the CES Environmental Services site? Efforts to communicate to the listed email have led to no response.

It is my understanding that this site is monitored and actively modified by contractors for the CES Griggs Road PRP Group.

These questions are not necessarily exhaustive. They have been provided at the request of EPA to assist them in understanding community concerns and to assist them in compiling information in support of a request for a public briefing in the affected community. Thank you. Jim Blackburn.